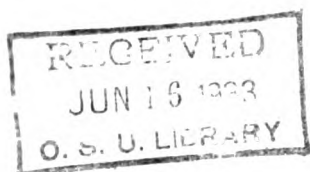


DEPARTMENT OF COMMERCE

UNITED STATES BUREAU OF MINES
SCOTT TURNER, DIRECTOR



INFORMATION CIRCULAR

MINING LAWS OF SURINAM (DUTCH GUIANA)



BY

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I.C. 6717
May, 1933.

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DEPARTMENT OF COMMERCE--BUREAU OF MINES

MINING LAWS OF SURINAM (DUTCH GUIANA)¹

By E. P. Youngman²

PREFATORY NOTE

This paper is one of a series of digests of foreign mining legislation and court decisions that is being prepared in advance of a general report relative to the right of American citizens to explore for minerals and to own and operate mines in various foreign countries. This interpretation of the mining laws of Surinam, or Dutch Guiana, is based primarily upon translations³ of copies of laws forwarded by John V. Swearingen, American vice consul, Georgetown (British Guiana), and submitted to the Bureau of Mines through the courtesy of the Department of State. This digest is released subject to correction and amplification, if necessary, by American foreign-service officers.

INTRODUCTION

The basic mining legislation of Dutch Guiana is comprised in the law of September 7, 1882 (concerning mining in general), and the decree of December 1, 1894 (concerning mining in navigable streams and in creeks), together with the following supplementing or amending acts:

No. 1 of 1905 (Jan. 3, 1905), referring to the text of the order of Sept. 7, 1822, with respect to exploration work in Surinam.

No. 2 of 1905 (Jan. 4, 1905), referring to the insertion in the official organ of the Government of the text of the order of Dec. 1, 1894, concerning work in navigable streams and in creeks.

No. 31 of 1908 (March 18, 1908), containing additional modifications of the order of Sept. 7, 1882, pertaining to conditions for exploring and mining.

1 The Bureau of Mines will welcome the reprinting of this paper, provided the following footnote acknowledgment is used: "Reprinted from U. S. Bureau of Mines Information Circular 6717."

2 Rare metals and nonmetals division, U. S. Bureau of Mines.

3 Orrmins, William R., translator.

No. 32 of 1908 (March 18, 1908), containing additional modifications of the order of Dec. 1, 1894, pertaining to conditions for exploring and mining in navigable streams and in creeks.

No. 61 of 1916 (Aug. 30, 1916), supplementing the order of Sept. 7, 1882.

Translations of these acts (with the exception of No. 61 of 1916) were not available in the preparation of this paper. However, the summary of mining legislation in Dutch Guiana made by Van Wagenen,⁵ which includes the law of 1882, the law of 1894, and all supplementary legislation up to January 1, 1917, has been extensively used in the discussion of general mining legislation. As the mining of gold (the only mineral except bauxite mined in commercial quantities) is entirely from alluvial workings, the old legislation is probably adequate with reference to this mineral. The laws (passed in 1919 and in 1924) governing bauxite and petroleum and coal have been considered separately.

The recent production of gold and bauxite is shown in the following table:⁶

	1921-25	1926	1927	1928	1929	1930
Gold ... troy ounces	11,272	8,327	7,716	5,498	3,569	4,758
Bauxite . metric tons	<u>143,130</u>	46,500	181,600	213,900	210,000	264,555

1 Four-year average.

According to the latest available information, no oil has been produced in Surinam, although search therefor has gone on intermittently since 1924. A prosperous oil industry has been predicted for the colony. Extensive new oil lands, with the same surface conditions as those of the great oil-producing regions of Venezuela, stretch westward from New Nickerie to the east bank of the Corentyne River, opposite Springlands (on the British Guiana bank).

RIGHTS OF FOREIGNERS

"Only citizens of the Netherlands or of the colony of Surinam or companies legally organized under the law of either country and represented in Surinam by a legally authorized agent may acquire mining rights in Surinam."⁷

4 The original texts of the supplementing acts, but not the text of the 1882 and 1894 laws, are in the files of the U. S. Bureau of Mines.

5 Van Wagenen, Theo. F., *International Mining Law*: McGraw-Hill Book Co., 1918, pp. 257-260

6 *Commerce Yearbook*, 1931, Surinam (Dutch Guiana): *Commerce Yearbook for Foreign Countries*, vol. 2, No. 9, 1931, p. 429.

7 Van Wagenen, Theo. F., *Work cited*.

The recent laws, the bauxite law of 1919 and the coal and petroleum law of 1924, have the following provisions:

Holders of bauxite prospecting permits shall be (1) Dutchmen, (2) residents of the Netherlands, (3) residents of Surinam, (4) companies established ("residing") in the Netherlands, and (5) companies established in Surinam.

Holders of bauxite mining concessions shall be companies established in either the Netherlands or Surinam. (Sec. 1 and 2, art. 2, No. 80 of 1919.)

Differences of opinion concerning requirements of nationality and residence shall be decided by the judge, according to the manner fixed in a decree of April 1, 1903. (Art. 1, No. 79 of 1920.)

Coal or petroleum permits and concessions, as well as transfers thereof, shall be granted only to (1) Dutchmen, (2) residents of the Netherlands, (3) residents of Surinam, (4) companies established in the Netherlands, or (5) companies established in Surinam. (Secs. 1 and 2, art. 3, No. 27 of 1924.) A permittee or a concessionaire not residing in the colony must be represented there. (Sec. 3, art. 3, No. 27 of 1924.)

The use of the word "residents" makes misunderstanding possible. A decision with respect to another Dutch territory (Curacao, West Indies) by a director of public works (through whose office pass applications for concessions) was to the effect that "residents" should be construed as synonymous with "Dutch subjects" and that a foreigner that had established his legal domicile in Curacao would be considered entitled to acquire a mining concession or to act as a director in a Dutch or Curacao corporation applying for concession.⁸

Possibly facts speak better than the text of the law concerning foreign participation in mining.

The Surinam Bauxite Co., the only bauxite-producing company, is controlled by the Republic Mining & Manufacturing Co., which is a subsidiary of the Aluminum Co. of America. The property of the company includes a grant of 3,256 hectares (130,000 acres) on the east bank of the Cottica River, at Congo, 100 miles southeast of Paramaribo. Deposits occur at a number of other points in the colony, 95 per cent of which is controlled by the company.⁹

With respect to petroleum, at the time the petroleum and coal act article 2 of which gives the Governor authority to grant a concession to one

Voetter, Thomas W., Status of British Oil Companies Operating in Dutch-controlled Territories: Consular Rept. 325351, Curacao, Dec. 19, 1929. The Mines Handbook, Dutch Guiana: Vol. 18, pt. 2, Mines Information Bureau (Inc.), New York, 1931, p. 2845.

person to exploit any or all the petroleum and coal in Surinam) was passed, B. Koker, of Holland, received an exclusive concession and incorporated a limited liability company, the Surinam Oil Co. (Ltd.)¹⁰ Koker, whose concession would have expired in the fall of 1929, died in June of that year, but it was not known what effect his death would have upon the concession, which was on the Nickerie shore, Nickerie district. Drilling, however, had been started on the Pln. Geversvlyt, about 3 miles north of Paramaribo, on the Surinam River. This well was on private property (having no connection with Koker's concession) belonging to I. Hass, a local agent for Gillespie & Co. (of London).

An official Surinam Government report for the year 1930, made to the U. S. Bureau of Mines under date of May 31, 1931, is as follows:

"The "Surin" Oil Co. did not continue to drill for oil,¹¹ nor did it make any search for this mineral. During the year a new exploration permit was granted to S. M. Filipovitch, an American engineer, on behalf of an American financier, for an area of 37,000 hectares.

GENERAL MINING LEGISLATION

Prospecting Permits

Prospecting is not free except to the landowner on his own land, and then only upon due notice given to the Superintendent of the Crown domain. When any one other than the owner of private land desires to prospect, he must obtain a written permit from the Governor with respect to Crown land and written consent from the owner with respect to private land.

A prospecting permit gives the holder the right at any time within the term thereof, or within an extension of that term, to select and stake off a part or the whole of the prospecting area and apply for the right to mine thereon.

A permit gives its holder the right to prospect only; it gives no authority to remove or realize upon any metals or ores found. Exploration shafts and other excavations may be made freely, and drill holes may be sunk. Assay samples may be removed.

Application.—Every application for prospecting rights must be accompanied by: (1) The name, nationality, and legal residence of the applicant; (2) a map showing the relative position of the ground desired, as well as its area; and (3) a receipt from the Colonial Treasurer, showing that a sum equal to 1 cent a hectare per annum has been paid for the term desired.

^{10/} Smith, Gaston, Prospecting for Oil in Dutch Guiana: Consular Rept. 15688. Georgetown, British Guiana, Dec. 8, 1924.

^{11/} A similar report for 1929 stated that the Surin Oil Co. which until then had been the only holder of an exploration permit for oil, was continuing its search for this mineral.

The application must be signed by all parties at interest or by their duly authorized agents or in the case of a partnership or a company by its legal representative.

Authority.--The right to reject any application for reasons that to him seem sufficient is vested in the Governor, sitting in Privy Council.

Area.--A prospecting area may not be less than 200 or more than 20,000 hectares.

Duration.--The maximum term is three years, with the right of two renewals of one year each, making a total of five years.

Registration.--A prospecting permit is not valid until it is registered. The document (permit) must be presented to the commissary of the district in which the land to be prospected lies, who shall visit the property, verify the description thereof, and register the permit.

Transfer.¹²--The right held under a prospecting permit may be transferred in whole or in part) under the written consent of the Governor, the transferee to be furnished with a new permit for the unexpired period of the original one.

Right to transfer shall be refused if the territory to be transferred or the portion remaining is less than 2,000 hectares. Transfer shall likewise be refused should the transferee thereby obtain the right to an area of more than 10,000 hectares.

Mining Concessions

The right to mine (priority to which belongs to the holder of a prospecting permit) when once granted conveys all the usual rights and privileges pertinent to the mining business, together with the right to engage in agriculture on the premises to the extent of raising thereon food for the consumption of the concessionaire and his employees.

Application.--Application for a mining right must be made in writing to the Governor; it must be accompanied by a receipt from the Colonial Treasurer, showing that a sum equal to the rental of the chosen tract for the first year has been paid.

Before application is made to the Governor, however, a provisional notice of the application contemplated must be given to the Superintendent of Crown Lands. This notice must be accompanied by a map of the land desired, which must be prepared and sworn to by a Crown surveyor. The notice must be registered, and it must be filed with the Governor within two days of its registration. The street and number of the domicile (which must be in Paramaribo) of the applicant, or of his legal representative, must be given.

¹² Decree No. 61 of 1916, substituting a new clause for article 4 of the decree of Sept. 7, 1882.

Authority.--The Governor, acting with the Privy Council, is empowered to reject an application in whole or in part, in which case the rental paid is in whole or in part returnable to the applicant. If the applicant is not satisfied with the decision of the Governor, he may withdraw his application completely and recover the full amount of the rental deposited.

Area.--No mining area shall be less than 200 hectares.

Duration.--No mining right shall be issued for less than one year or for more than 40 years.

Rent.--Rentals, which are payable annually and at least 30 days before the end of each year, shall be as follows:

Ten cents a hectare per annum for the first and second years.

Twenty-five cents per hectare per annum for the third and fourth years.

Fifty cents per hectare per annum for the remaining years.

If, at the option of the holder of a mining right, the area has been reduced at the end of any year of the term (by written application to the Governor made at least 40 days before the end of the year), a corresponding reduction of the rental for the next year shall be made. (But no reduction of area to a tract of less than 200 hectares is permitted.)

Failure to pay the required rentals automatically terminates the mining franchise.

Royalty.--No royalties or other dues of any kind beyond the rental are imposed. However, all gold recovered must be declared and sold to the Government, which pays for it the standard price in coin or currency, less a moderate charge for smelting, refining, and assaying.

Transfer.--A mining concession may be sold with the consent of the Governor, or, who with the sanction of the Privy Council may refuse the transfer right. A fee of 2 per cent of the amount named in the deed is collected by the Government on every conveyance.

Miscellaneous Labor Provisions

The employment of labor, either for prospecting or mining operations, must be conducted in the presence of the Commissary of Police, in accordance with the rules and regulations governing the employment of native labor. Labor may not be contracted for outside of the colony; nor may resident British Indian immigrants be employed in mining work.

Every laborer whose employment is accepted by the employer and the Commissary of Police must be registered by name; the amount of wages to be paid to him must be agreed upon, as well as the term of the employment and the locality in which he is to work.

The employer is responsible to the Government for the health, good treatment, subsistence, proper shelter, and wages of every laborer.

PETROLEUM AND COAL LEGISLATION

General

The law of May 20, 1924 (No. 27 of 1924), concerning the exploration and exploitation of petroleum and coal in Surinam, in article 1, provides that no rights of investigation or mining with respect to petroleum and coal are to be granted under the basic mining law of September 7, 1882 (modified and supplemented by a decree of August 30, 1916), or under that of December 1, 1894, concerning the exploitation of minerals in navigable creeks and streams (modified and supplemented by a decree of March 18, 1908). All rights with respect to oil and coal shall be obtained exclusively under the law of May 20, 1924. (Art. 1, No. 27, of 1924.)

The Governor shall have the authority to grant the right of determining the presence of, as well as the right to exploit, oil and coal in the domains of Surinam, in their entirety or in part, to one person. (Art. 2, No. 27 of 1924.)

Prospecting Permits

A prospecting permit entitles the holder, free of charge, to search for minerals on the lands stipulated, on condition that, when in the judgment of the Governor prospecting would be detrimental to the country or to third parties, no investigations shall be carried on until compensation for damages shall have been made or assured to the parties interested, according to regulations laid down by decree. (Sec. 2, art. 4, No. 27, of 1924.)

A prospecting permit is issued for a fixed period not to exceed five years. (Sec. 1, art. 4, No. 27 of 1924.)

Mining Concessions

The holder of a prospecting permit has the right to obtain a concession for the exploitation of coal or petroleum in that part (or parts) of Surinam for which he makes request. He shall accompany his application by a map, in duplicate, made by a certified surveyor. Application must be made at least six months before the expiration of the term of the prospecting permit. (Sec. 1, art. 5, No. 27 of 1924.) After having presented his petition for a concession, the permittee may continue his prospecting until he shall have been informed of the decision with respect to his application, even though the term of his prospecting permit may have expired in the meanwhile. (Art. 1, No. 66 of 1929.)

The holder of a concession under the decree of May 20, 1924, shall make remuneration (in accordance with regulations to be established by decree) to the holder of a concession right under the decree of September 7, 1882, if on the territory covered by the concession exploitation of coal or petroleum (or both) has been begun or is in progress. (Sec. 3, art. 5, No. 27 of 1924.)

The provisions applying to compensation for damage or surety therefor with respect to prospecting permits apply equally to concessions. (Sec. 4, art. 5, No. 27 of 1924.)

The conditions under which a concessionaire shall operate, as well as the taxes to be levied on the product obtained (royalty ?) will be regulated by decree. (Sec. 2, art. 5, No. 27 of 1924.)

Working Requirements

The holder of a prospecting (searching) permit shall begin operations within one year after receiving the permit and shall continue his investigations to the satisfaction of the Governor. The Governor may in exceptional cases authorize a deviation from this rule. (Secs. 3 and 4, art. 4, No. 27 of 1924.) Should the permittee fail to satisfy these requirements, as well as the one concerning the deposit of damages before beginning operations, the Governor, after hearing the Council of the Administration, and upon presenting the reasons for his action, may withdraw the permit. (Sec. 5, art. 4, No. 27 of 1924.) All these stipulations apply equally to a concessionaire. (Art. 6, No. 27 of 1924.)

Transfer

A prospecting permit or a concession may be transferred only with the written consent of the Governor. (Sec. 2, art. 3, No. 27 of 1924.)

Forfeiture

Forfeiture of a prospecting permit or of a mining concession shall result in the following instances. (sec. 4, art. 3, No. 27 of 1924):

1. When the holder ceases to comply with the provisions concerning nationality or residence.
2. When at the death of the holder the persons entitled to continue operations have not proved within one year their willingness to comply with the conditions concerning nationality and residence.

Differences of opinion concerning compliance with the requirements of the clause concerning forfeiture will be decided by the judge, according to the manner provided in the decree of April 1, 1903. (Sec. 5, art. 3, No. 27 of 1924.)

Supplementary Legislation

In addition to the provisions of the coal and petroleum act of May 20, 1924, the following regulations also are in force: Stipulations of articles 1, 5, and 7bis (as far as they are applicable as defined by article 21, second clause, and by article 35) of the decree of September 7, 1882 (as modified and supplemented by the decree of August 30, 1916) and the penal provisions contained in division 6 of the first-mentioned decree, in so far as they are applicable. (Art. 7, No. 27 of 1924.)

BAUXITE LEGISLATION

General

Bauxite legislation is comprised in a general decree concerning the exploration and exploitation of bauxite (No. 80 of 1919) and in a bauxite taxation decree (No. 77 of 1919), together with various amending acts, as follows:

No. 80 of 1919 (Nov. 28, 1919¹³), which combines a decree of March 27, 1918 (No. 76 of 1919) with a decree of Nov. 24, 1919 (No. 78 of 1919).

No. 79 of 1920 (July 2, 1920), amending the bauxite decree.

No. 5 of 1925 (Jan. 19, 1925), amending the bauxite decree.

No. 18 of 1926 (Sept. 28, 1925), amending the bauxite decree.

No. 72 of 1929 (Oct. 9, 1929), amending the bauxite decree.

No. 73 of 1929 (Oct. 9, 1929), granting a special concession for the exploitation of bauxite.

No. 77 of 1919 (March 27, 1918¹⁴), with respect to the taxation of bauxite.

No. 6 of 1925 (Jan. 19, 1925), amending the bauxite taxation decree.

No. 84 of 1919 (Dec. 30, 1919), regulations in connection with bauxite taxation decrees.

No. 45 of 1925 (June 19, 1925), amending the regulations (No. 84 of 1919) in connection with bauxite taxation.

The bauxite decree, No. 80 of 1919, in article 1, specifically provides that no exploration or exploitation of bauxite shall take place under the law of 1882 or that of 1894. However, the general regulations in articles 2, 5, 7, 7bis, 10, 10bis, 12, 13, 14, 15, 16, 17, 19, 20, 21 (with the exception of clause 3), 22, 23, 28, 29, 30, 31, 32, 33, and 34 of the decree of September 7, 1882 (as it reads after being modified by the decree of August 30, 1916, and the decree of July 2, 1920), and the pertinent penal provisions in part 6 of the same law are applicable. (Art. 13, No. 80 of 1919, and art. 1, No. 18 of 1926.)

The Governor has the authority, after consulting the Council of Administration, to reserve directly or indirectly (through the colonial or the home government) sections of the country for the exploring or exploiting of bauxite, under special conditions. (Sec. 1, art. 3, No. 80 of 1919.)

Enforceable Jan. 1, 1920, by a resolution of Nov. 28, 1919 (No. 79 of 1919).

Ibid.

The Governor is entitled also, after hearing the Council of Administration, to grant concessions for the exploitation of bauxite under special conditions, which may differ from the provisions of the decree of 1919. (Sec. 2, No. 72 of 1929.) These conditions are to be made through a colonial decree. (Sec. 3, art. 1, No. 72 of 1929.)

The Governor, with the advice of the Council of Administration, has the authority to refuse (under statement of reasons) or to grant (with the conditions that to him seem necessary) a prospecting permit. (Secs. 1 and 6, art. 5, No. 80 of 1919.)

Prospecting Permits

The holder of a prospecting permit has the prior right to obtain a mining concession, under certain conditions. (Sec. 7, art. 5, No. 80 of 1919.)

Application.--An application for a prospecting permit, which is addressed to the Governor, shall be according to article 3 of the law of 1882 (as modified by No. 1 of 1905). All requests reaching the Governor between 8 a.m. and 1 p.m. on the same day are considered as having been received simultaneously. (Sec. 2, art. 4, No. 80 of 1919.) If these applications refer to the same sections or parts of sections, the order of their consideration shall be determined by lot, with the exception that any request for actual exploitation right shall have the preference. (Sec. 3, art. 4, No. 80 of 1919.) The provisions governing the drawing of lots are covered by sections 4 to 7, art. 4, No. 80 of 1919.

Area.--The area covered by a prospecting permit shall not be more than 50,000 hectares nor less than 5,000 hectares. (Sec. 2, art. 5, No. 80 of 1919.) More than one permit may be granted to one person, but the combined areas under the permits shall not exceed 50,000 hectares. (Sec. 3, art. 5, No. 80 of 1919.)

Duration.--A permit is granted for one year and may be, at the discretion of the Governor, renewed for a period not to exceed one year. (Sec. 5, art. 5, No. 80 of 1919.) In the case of territories for which permission to explore or exploit has been previously given, no permit shall be given until six months have elapsed since the expiration of the previous right. (Sec. 4, art. 5, No. 80 of 1919.)

Priority right to a concession.--A prospecting permit gives to its holder priority right to receive a concession, provided he forms a corporation three months before the expiration of the permit (sec. 7, art. 5, No. 80 of 1919), complies with the provisions concerning the setting up of the company headquarters in the Netherlands or in Surinam, and complies with articles 11 and 3 of the decree of 1882 (as it is modified by the decrees of March 18, 1908, and January 22, 1903). (Sec. 7, art. 5, No. 80 of 1919.)

Transfer.--A permit holder may, with the written consent of the Government, transfer his prospecting rights for the whole or a part of the area, provided the portion either transferred or remaining shall not be less than

5,000 hectares, and provided the transferee shall not become the holder of more than 50,000 hectares. (Sec. 1, 2, and 3, art. 6, No. 80 of 1919.)

In the case of a transfer, the Government shall issue to the transferee a permit for the unexpired term of the original permit. (Sec. 1, art. 6, No. 80 of 1919.)

Applicable also to transfers are articles 26 and 27 of the 1882 law, as those articles read according to No. 1 of 1905. (Sec. 3, art. 6, No. 80 of 1919.)

Mining Concessions

A bauxite concession does not confer the right to exploit other minerals. The Governor may grant permission to persons other than the concession holder to prospect for or to exploit minerals other than bauxite on the conceded territory; and the concessionaire is obliged to admit the holders of such rights to his territory. (Sec. 1, 2, and 3, art. 11, No. 80 of 1919.) The Governor shall inform the bauxite concessionaire of any additional rights with respect to his concession granted after the coming into force of the bauxite act. (Sec. 4, art. 11, No. 80 of 1919.)

Application.—Applications for the right to mine bauxite shall be made in conformity with the provisions of article 11 of the law of 1882, as it reads after modification by the decree of March 18, 1908. The petitioner shall present a receipt for the payment of the amount due the treasury (paid to the colonial receiver and treasurer) in accordance with article 8 of the bauxite law of 1919. (Sec. 1, art. 7, No. 80 of 1919.)

Duration.—No concession may be granted for less than one year or more than 50 years. (Sec. 2, art. 7, No. 80 of 1919.)

Area.—No concession may be granted for an area of more than 125,000 hectares. More than one concession may be given to one company, provided that the total area is not more than 125,000 hectares. No concession may be given for less than 1,000 hectares, unless the configuration of the area makes the application of such a restriction impossible. (Secs. 2, 3, and 4, art. 7, No. 80 of 1919.)

Rules for the limitation or reduction of an area once granted are found in sections 4, 5, 6, and 7 of article 8, No. 80 of 1919.

Production requirements.—Every concessionaire shall produce each year for six years (beginning from the date of the concession) at least 20 metric tons of mineral from each 100 hectares of land or fraction thereof, calculated according to the total area in the concession. After the sixth year, the minimum yearly production shall be 2 tons a hectare. (Secs. 1 and 2, art. 10, No. 5 of 1925.)

A concessionaire failing to obtain the minimum production for any one year is subject to a fine (to be paid to the colonial treasury) equal to the sum that would have been paid for the lacking production, plus a bauxite tax calculated on the same number of tons. When a concessionaire has been obliged to pay such a fine three times or when he has failed to pay his fine within the period ordered, the Governor is entitled (with the sanction of the Council of Administration), under statement of reasons, to withdraw all or part of the concession. (Secs. 4 and 7, art. 10, No. 5 of 1925.)

The Governor, after hearing the Council of Administration, has the authority to give the necessary instructions for the enforcement of these requirements; or under statements of reasons, he may grant exemptions with respect to minimum production and fines. (Secs. 5 and 6, art. 10, No. 5 of 1925.)

Export duty.--The holder of a concession is obliged to pay to the colonial treasury 25 cents a metric ton or fraction thereof upon all bauxite exported, whether it is in a purified condition or not. (Sec. 3, art. 10, No. 5 of 1925.) (See also section entitled "Bauxite Taxation Legislation," p. 32.)

Rent.--Each concessionaire shall pay to the colonial treasury, in advance (sec. 1, art. 8, No. 80 of 1919, as amended by No. 5 of 1925):

Ten cents a hectare for the first year.

Twenty cents a hectare for the second year.

Fifty cents a hectare for each year following.

With respect to a concession granted for more than one year, the rent is due 30 days before the end of each year; and if this payment is not made, the concession expires, except as further rights may be given by virtue of article 28 of the law of 1882, as it reads according to No. 1 of 1905. (Secs. 2 and 3, art. 8, No. 80 of 1919.)

Transfer.--Written consent from the Governor must be obtained before a concession may be transferred. The Governor will issue a new concession for the unexpired portion of the original concession. A transfer shall not be granted to any one that seeks to acquire more than 125,000 hectares. (Secs. 1 and 2, art. 12, No. 80 of 1919.)

Further provisions concerning transfers are found in articles 26 and 27 of the decree of 1882, as they read according to No. 1 of 1905. (Sec. 2, art. 12, No. 80 of 1919.)

Forfeiture.--A concession legally ceases to be valid if the holder fails to comply with the provisions concerning nationality and residence, or upon the death of the holder if the heirs shall not have within a period of one year signified their willingness to comply with the same provisions. (Sec. 4, art. 2, No. 80 of 1919.)

Differences of opinion concerning compliance with these requirements shall be decided by the judge in the manner laid down in the decree of April 1, 1903. (Art. 1, No. 79 of 1920.)

Terms of a Special Bauxite Concession

A decree passed in 1929 gave to the Governor authority (with the sanction of the Council of Administration) to grant to the Surinam Bauxite Co., in view of its promising prospecting operations, a special concession, the stipulations of which might deviate, if necessary, from the provisions of the bauxite law of 1919 and of the bauxite taxation law of 1919. (Art. 1, No. 73 of 1929.)

The specific stimulations that the Governor was entitled to make are summarized in the following paragraphs.

The concession, which shall cover only the area over which the company already has a right, shall be for 60 years from January 1, 1929. In exchange for the longer than normal period the company shall relinquish a right granted to it by a resolution of March 16, 1925, whereby it has the free use of a telegraphic connection between Paramaribo and Moengo. (Secs. d and e (1), art. 1.)

The duties in force at the time of the issuance of the concession (that is, through the bauxite decree and the bauxite taxation decree of 1919) of 1.50 francs a hectare and 0.25 francs and 0.125 francs a ton of bauxite, shall remain fixed during the life of the concession. No new direct monetary encumbrances shall be imposed; any such encumbrances imposed by a general decree with reference to the bauxite industry shall be refunded to the company, in a manner stipulated by the Governor. (Secs. a, b, and c, art. 1.)

The minimum production of bauxite shall be increased to 150,000 tons a year. The regulations concerning this production shall be the same as those of the general bauxite decree, with the exception that a surplus in any of the three years preceding a year in which there is a shortage shall be taken into consideration. (Sec. e (2), art. 1.)

The concessionaire shall embody the sales price of the shipped bauxite in its profit and loss account for not less than the market value, with, however, a minimum of 12.50 francs a ton according to the grade of bauxite as determined by the Governor. (Sec. e (3), art. 1.)

The company shall make a special contribution to the Government for the upkeep of port and rivers. (Sec. e (4), art. 1.)

Bauxite Taxation

General.—A special bauxite taxation law (No. 77 of 1919) was enacted, together with regulations (No. 84 of 1919) in connection therewith (under authority of section 6 of article 10 of the bauxite law and article 2 of the bauxite taxation law). This legislation applies not only to bauxite produced in the colony but to raw (crude) bauxite imported into the colony. (See also section entitled "Export Duties," p. 28.)

The taxes shall be $12\frac{1}{2}$ cents a metric ton, or fraction thereof, on all bauxite (either pure or mixed) produced in Surinam, as well as on all crude bauxite imported into the colony. (Sec. 1, art. 1, No. 77 of 1919; art. 1, No. 6 of 1925.)

The bauxite tax is computed according to the weight of the bauxite in the condition in which it is shipped or in which it is imported. (Sec. 2, art. 1, No. 77 of 1919.)

Penalties or fines.—Provisions concerning penalties or fines for infringements of the provisions of the bauxite decree (No. 77 of 1919) or of the regulations passed in connection therewith (No. 84 of 1919), which may not exceed three months of imprisonment or 2,000 guilders, are found in articles 3, 4, 5, and 6 of No. 77 of 1919.

Transportation license.—The transportation of bauxite in the colony outside of a concession shall be covered by a transportation license or by a document of importation. Such a license is used as evidence of the minimum production required by article 10 of the bauxite decree of 1919. (Arts. 2 and 6, No. 84 of 1919.)

The license, or permit, is taken over, before or during the transportation of bauxite destined for export by a tax official (appointed by the Comptroller of Taxes). This official notes on the license the quantity (according to his opinion) of bauxite to be exported and files the license in the office of the Receiver of Import Duties and Excises, who collects the taxes. (Art. 12, No. 84 of 1919.) The tax must be paid, or acceptable security must be offered, before export is allowed. If security is given, the tax must be paid with eight days of export. (Secs. 1 and 2, art. 11, and sec. 3, art. 12, No. 84 of 1919.)

Miscellaneous provisions.—Other matters covered by the bauxite decree (No. 84 of 1919) are notifications (to the administrator of domain) by operator with respect to the time of beginning work or the time of discontinuing it, with reasons therefor (secs. 1 and 2, art. 1); notifications to the Comptroller of Revenue of intent to transport bauxite (sec. 1, art. 7); daily records and yearly and quarterly reports by the operator (arts. 3, 4, 5); data with respect to personnel (art. 16); monthly report by the Receiver of Import Duties and Excises to the Administrator of Domain with respect to bauxite imported and exported and its origin and destination (art. 14); rules concerning storage places and storage registers (arts. 8, 9, and 13).

Supplementary legislation.—There shall govern with respect to bauxite taxation, in addition to the taxation decree and regulations in connection therewith, the Navigation Decree, the Tariff Decree of 1922, and the decree of December 5, 1908, regarding the regulations of expenses in connection with the import and the export of merchandise, in so far as they are applicable to bauxite. (Art. 10, No. 84 of 1919; sec. 1, art. 1, No. 45 of 1925.)